

LAW OFFICES OF BRONZE & TANG

A Professional Corporation

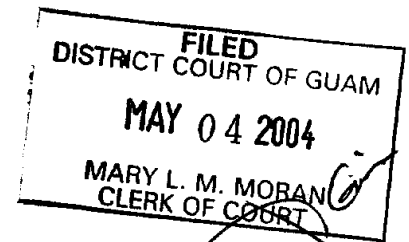
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Attorneys for Defendant The Hongkong and Shanghai Banking Corporation Ltd.

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU
SADHWANI, and K. SADHWANI'S
INC., a Guam corporation,

Plaintiffs,

v.

HONGKONG AND SHANGHAI
BANKING CORPORATION, LTD.,
et al.,

Defendants.

CIVIL CASE NO. 03-00036

**NOTICE OF *EX PARTE*
APPLICATION AND *EX PARTE*
APPLICATION FOR
RECONSIDERATION OF ORDER
DENYING STAY OF ALL
DEPOSITIONS PENDING
DETERMINATION OF HSBC's
MOTION TO STRIKE THE
FIRST AMENDED COMPLAINT IN
WHOLE OR IN PART, OR, IN THE
ALTERNATIVE, MOTION TO
DISMISS THE THIRD AND SIXTH
CAUSES OF ACTION AND
SANCTIONS**

TO: PLAINTIFFS, and their attorneys, Arriola, Cowan & Arriola

NOTICE IS HEREBY GIVEN that on _____, 2004, at the hour of _____m., Defendant The Hongkong and Shanghai Banking Corporation Limited ("HSBC") will bring the following *Ex Parte* Application before the Court.

Concurrently with this *Ex Parte* Application, HSBC has filed an *Ex Parte* Motion to Reconsider the Stay of All Order Denying Depositions Pending Determination of HSBC's

ORIGINAL

Motion to Strike the First Amended Complaint in Whole or in Part, or, in the Alternative, Motion to Dismiss the Third and Sixth Causes of Action and Sanctions ("Motion"). It is important and urgent that the Motion be heard as soon as possible because HSBC's Motion to Strike the First Amended Complaint in Whole or in Part or, in the Alternative, Motion to Dismiss the Third and Sixth Causes of Action and Sanctions has been filed contemporaneously with this motion and will be heard on May 28, 2004. As more fully described in the Motion, Plaintiffs have noticed three (3) depositions, currently scheduled for May 5th, 7th and the 10th, 2004.

Plaintiffs are also seeking to conduct two depositions in Hong Kong, at great expense to the parties. In the event that this Court grants HSBC's Motion to Strike, the First Amended Complaint in its entirety will be dismissed and none of the depositions will be necessary. On the other hand, the Court may grant the Motion to Strike in part and/or Dismiss in whole or part causes of action three and six of the First Amended Complaint. Under either circumstance, the scope and nature of Plaintiffs' claim will be altered which may affect the scope of discovery permissible in this case. In addition, Plaintiffs have filed their First Amended Complaint without leave of Court which is deemed to have no legal effect.

HSBC has requested that counsel for Plaintiffs stipulate to the entry of an Order staying all depositions pending a decision on the Motion to Strike, but Plaintiffs have refused. The first scheduled depositions are set to commence in Guam on May 5, 2004. Further, this Court has issued letters of request for depositions to be conducted in Hongkong on dates presently

unknown. Accordingly, HSBC has no other alternative than to apply to this Court for *ex parte* relief.

This *Ex Parte* Application is supported by the pleadings previously filed in this case and by the record before this Court. Further grounds are also set forth in the Motion filed concurrently herewith, the Memorandum of Points and Authorities in Support of said Motion, and the documents on file herein all being incorporated herein by this reference. This *Ex Parte* Application is further supported by the Declaration of Jacques G. Bronze concurrently filed herewith.

DATED this 4th day of May, 2004.

LAW OFFICES OF BRONZE & TANG
A Professional Corporation

By: _____


JACQUES G. BRONZE

*Attorneys for Defendant The Hongkong and
Shanghai Banking Corporation, Ltd.*